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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2354 OF 2007
IN
WRIT PETITION NO. 3078 OF 2007

The State of Maharashtra and Ors... Petitioner

Versus

Shri. Hanuman Vividh Karyakari
Sah. Seva Sanstha Ltd. Satarde ... Respondent

Mr. A.A. Kumbhakoni, Associate Adv. General with
Mr. V.P. Malwankar, A.G.P. for Applicant.

Mr. S.S. Patwardhan for R. No. 1.

Mr. M.M. Vashi with Mr. A.M. Kulkarni for R. No. 2.

CORAM: F.I. REBELLO &
J.P. DEVADHAR, JJ.
DATED: SEPTEMBER 12, 2007

P.C.:

. The State Government has approached this court by way of this Civil Application praying that the judgment and order dated 3.5.2007 be modified and that Kolhapur A.P.M.C. KOlhapur be directed to deposit additional amount of Rs.43.25 lakhs and further time given to comply with election process be extended by four weeks from the date of receipt of necessary election fund.

. On behalf of the Original Peitioner, their learned counsel draws our attention to the fact that when the matter was before the Supreme Court, all contentions were urged and SLP was rejected.

. We have considered the provisions of the Act and rules framed thereunder. On failure by by A.P.M.C. to release the fund for the purpose of holding elections, there is statutory duty cast on the Board as constituted to release the moneys. The matter when it came up on last occasion, was adjourned to enable the learned Associate Advocate General to make a statement.

. We have heard the parties including Associate Advocate General. On behalf of the Associate Advocate General a statement is made that money was not released as they were apprehensive that the A.P.M.C. Kolhapur would not be in a position to reimburse the amounts which election officer had requested to be released for the purpose of conducting elections and secondly considering the interpretation of Section 14A(Proviso) of the Act.

. The matter came up in the morning session and was kept back in the afternoon session. The learned Associate Advocate General on instructions received from the Managing Director who is present in the court makes a statement that the amounts in the sum of Rs. 43 lakhs and over as required by the Election Officer will be released in the course of a day. Statement is accepted. We make it clear that

when this court passed an order for holding the elections and Supreme Court has not interfered with the said order, the elections are bound to be held as ordered by this court. The authority holding elections to hold elections on or before 4.10.2007 and thereafter to declare results according to law.

. The Respondent No. 2 is present. Considering that Respondent No. 2 was a party to the Petition and has approached the Supreme Court, it is not possible to countenance its arguments at this stage.

. With the above observations, Civil Application disposed of.

(J.P. DEVADHAR, J.) **(F.I.REBELLO, J.)**